

PROB 12C
(7/93)

Report Date: August 25, 2010

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 26 2010

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Richard M. Schmidt

Case Number: 2:98CR00163-001

Last Reported Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 01/08/1999

Original Offense: Bank Robbery, 18 U.S.C. § 2113(a)

Original Sentence: Prison - 130 months; TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Matthew F. Duggan

Date Supervision Commenced: 05/18/2010

Defense Attorney: Amy Rubin

Date Supervision Expires: 03/17/2012

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 **Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

Supporting Evidence: Mr. Schmidt is considered in violation of his conditions of supervised release by failing to report as directed since August 10, 2010.

On August 10, 2010, the undersigned officer spoke with Mr. Schmidt by telephone and directed him to report to the probation office on that day to discuss noncompliance issues. To date, Mr. Schmidt has failed to report and the attempts to contact him by telephone and at his last reported address have been unsuccessful. His current whereabouts are unknown.

2 & 3 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Special Condition # 16: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

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Supporting Evidence: Mr. Schmidt is considered in violation of his conditions of supervised release by failing to follow the instructions of a probation officer and by consuming a controlled substance on or about July 30 and August 9, 2010.

On July 30, 2010, Mr. Schmidt submitted a urinalysis sample which was confirmed positive for methamphetamine by the laboratory. Although the sample was "dilute" and the validity tests were "abnormal," it was still confirmed positive.

On August 9, 2010, Mr. Schmidt spoke with U.S. Probation Officer (USPO) Tommy Rosser and admitted to using methamphetamine "for approximately 2 months," and also to "flushing" to avoid detection through drug testing. Mr. Schmidt stated he was at a detox facility in Spokane, Washington, and was directed by USPO Rosser to remain at the facility until given further direction by the undersigned officer.

On August 10, 2010, Mr. Schmidt contact this officer by telephone and advised that he left the detox facility. The undersigned informed Mr. Schmidt that he had been directed to remain at the facility by USPO Rosser. Mr. Schmidt stated he "left anyway," and he was directed to report to the undersigned immediately.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 25, 2010

s/Samuel Najera

Samuel Najera
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

8/26/10

Date